

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

USA for the Use and Benefit of Providence
Painting, Inc.,

Plaintiff,

v.

Whitesell/Yates, A Joint Venture, Fidelity &
Deposit Company of Maryland, Travelers
Casualty & Surety Company of America and
Federal Insurance Company.

Defendant.

Civil Action No.: 5:14-CV-138-D

ORDER

This matter is before the Court on the Defendants' Amended Motion to Stay Action pending completion of binding arbitration. The Defendants allege that the claims raised in Plaintiff's Complaint arise out of the performance of a written subcontract involving interstate commerce and that the subcontract includes a binding arbitration provision. Defendants assert that the underlying breach of subcontract claim is subject to, and should be submitted to, binding arbitration pursuant to the terms of the written subcontract. Defendants also assert that the Miller Act payment bond claim raised by Plaintiff is wholly dependent on the outcome of the underlying subcontract dispute and, therefore, should also be stayed pending the completion of arbitration. In response to Defendants' motion, Plaintiff has consented to the stay of this action pending arbitration.

It appears to the Court that the requirements of the Federal Arbitration Act for a stay of this action pursuant to 9 U.S.C. § 3 have been satisfied. Therefore, the motion to stay this action is ALLOWED, and this action shall be stayed pending the completion of binding arbitration. The parties are directed to submit a status report regarding the arbitration

proceedings no later than 90 days from the filing of this order, and every 90 days thereafter until the arbitration proceedings are concluded.

SO ORDERED. This 13 day of July 2014.



JAMES C DEVER III
Chief United States District Judge